

ENVIRONMENT DEPARTMENT PLANNING DIVISION

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at the **Emma Ferbrache Meeting Room (next to the Gloucester Room/Canteen)** at the **Princess Elizabeth Hospital**, on **Tuesday 16/09/2014** at 8.45am for a 9.00am start.

The following application will be considered at the Open Planning Meeting:-

Agenda Item :-

APPLICATION NUMBER:	FULL/2014/0602
APPLICATION ADDRESS:	Idlerocks Hotel Jerboung Road St. Martin.
DESCRIPTION OF WORK:	Redevelopment of hotel site, erection of hotel with restaurant and spa, the erection of a new dwelling and associated parking and landscaping.
NAME OF APPLICANT:	Ramle Rocks Ltd.

The agenda for the open planning meeting, along with the planning application report relating to the application to be considered, which follows below, are made available five working days before the date of the Open Planning Meeting on the Department's website and also in hard copy at the Department's offices. The planning application report below contains a summary of consultation responses and of any representations received on the application from third parties.

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- who have notified the Department in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by the Department by 12.00 Noon on the working day immediately preceding the date of the Open Planning Meeting.

Application No: FULL/2014/0602
Property Ref: J016230000
Valid date: 17/02/2014
Location: Idlerocks Hotel Jerbourg Road St. Martin Guernsey GY4 6BJ
Proposal: Redevelopment of hotel site, erection of hotel with restaurant and spa, the erection of a new dwelling and associated parking and landscaping
Applicant: Ramle Rocks Ltd

RECOMMENDATION:

- a) SITE VISIT and
- b) GRANT: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Environment Department under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Prior to the start of any works on the site, other than demolition of the remaining structure of the hotel and site investigation works, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Department. The agreed details shall thereafter be carried out as approved unless otherwise agreed in writing by the Department.

The CEMP shall set out the site preparation and construction phases, and detail measures to minimise and control, as far as practicable, the following impacts and other matters:

- i. the impact on traffic flow, traffic and pedestrian management and safety and public parking;
- ii. potential negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal of excavated material.

The CEMP shall also set out the following details in relation to the approved development:

- a. The target start date and duration of enabling works and target start date and duration of the main contract works;
- b. hours of access, working and building operations;
- c. quantity of material to be removed and arrangements for its removal;
- d. projected vehicle movements, size of vehicles, traffic management on Route de Jerbourg and details of any highway works necessary to enable the development to take place;
- e. traffic and parking management including the use and movement of large scale plant and machinery, and parking for site workers during each phase of the development;
- f. noise and vibration control;
- g. site lighting and light pollution control;
- f. dust prevention and management;
- h. arrangements to safeguard pedestrian use of the cliff path below the site; and
- i. additional matters related to the above that may need to be addressed during the proposed works.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of the construction activities and minimise disturbance and nuisance in the interests of amenity.

5. Before any work is commenced on the site, including site works of any description, details of the measures to be taken for the protection of the Site of Nature Conservation Importance bounding the application site shall be submitted to and approved in writing by the Environment Department.

Reason - To adequately protect existing semi-natural woodland in the interests of nature conservation.

6. Before any work is commenced on the site including site works of any description, each of the trees required to be retained under the terms of this permission shall be securely fenced off, and such fencing shall be erected in a circle around each tree to coincide with the root protection zone. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand, and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason - To adequately protect existing trees in the interests of amenity.

7. No development shall be commenced until details of all means of temporary enclosure on the site boundaries (for both the enabling and construction phases) or within the site have been submitted to and approved by the Environment Department.

Reason - To ensure a satisfactory form of development.

8. Notwithstanding the information submitted, prior to development being commenced on the site, precise details of the elevations of the building, including full details of glazing and terrace balustrading and including the refinements illustrated in the 'Concept Design Elevation 1.0', received on 29/05/2014, at 1:20 scale, shall be submitted to and approved in writing by the Department.

Reason - To ensure that the detailed design of the development is satisfactory.

9. Notwithstanding the information submitted, prior to construction being commenced on the site, precise details of the 'living walls' shall be submitted to and approved in writing by the Environment Department.

Reason - To ensure that the detailed design of the development is satisfactory.

10. Before the start of construction on the site, details of all means of permanent enclosure or definition on the site boundaries shall be submitted to and approved by the Environment Department.

Reason - To ensure a satisfactory form of development.

11. Building operations shall not commence until details and/or samples of each of the external materials proposed to be used has been submitted to and approved by the Environment Department.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

12. Before construction works start on the site, precise details of the type, colour, texture and method of laying of the granite to be used shall be submitted to and approved in writing by the Environment Department.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

13. Before the start of construction works on the site, full details of the surfacing materials proposed to be used on any paved or metalled areas shall be submitted to and approved by the Environment Department.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

14. No development shall take place, unless separately approved by the Environment Department as part of the phased development of the site, until there has been submitted to and approved by the Environment Department a comprehensive scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of the type, number and size of new trees/shrubs at the time of planting.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the start of development, unless otherwise agreed as part of the phased development of the site. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Environment Department gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

16. The hotel car parking indicated on the approved plans, together with provision for disabled drivers' parking, shall be completed, surfaced, marked out and made available for use prior to the building hereby approved being first brought into use.

Reason - To ensure that a satisfactory form of development is achieved.

17. Before the hotel is first occupied or brought into use, works in relation to the external appearance, access, boundaries, car parking, and landscaping of the site shall be completed in accordance with the details approved by the Department under conditions 5-14 above.

Reason - To ensure the timely and satisfactory completion of development.

18. The residential unit hereby approved shall not be occupied or brought into use before the hotel hereby approved is completed and in commercial operation as an hotel to the satisfaction of the Environment Department.

Reason - The recognised use of the site is as an hotel and a dwelling, the occupation of the dwelling separate to the completion and operation of the hotel would require separate consideration and may constitute a change of use of the site.

19. The access and car parking to serve the dwelling indicated on the approved plans shall be surfaced and made available for use prior to the dwelling hereby approved being first occupied.

Reason - To ensure that a satisfactory form of development is achieved.

20. Any central heating, air handling or other plant shall not be located anywhere on top of the roofs of the approved buildings, but shall be contained entirely within the exterior envelope of the buildings.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

21. Notwithstanding the submitted information, prior to development being commenced on the site, revised details of the hotel access from the public road, including details of an appropriate radius curve to assist egress to the south, shall be submitted to and approved in writing by the Environment Department. The access shall thereafter be completed in accordance with the approved details prior to the first bringing into use of the hotel.

Reason – In the interests of highway safety.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of Annex 3 of the Rural Area Plan with regard to archaeological assessment where a site is known or suspected to be of archaeological importance. It is also desirable that access be granted to the Archaeology Officer, Culture and Leisure Department, to enable archaeological recording during any earth moving on the site. The Archaeology Department can be contacted on 700477 or mobile 07781 102219.

OFFICER'S REPORT

Site Description:

The application site is an irregularly shaped area of 6,904m² comprising clifftop land extending southwest to Route De Jerbourg. The Jerbourg car park is immediately to the south east. La Bergerie, immediately to the northwest, is the closest of a group of six dwellings. Within the site stand the remains of the Hotel and attached dwellinghouse and, adjacent to the public car park, a cottage last used as staff accommodation for the hotel. Hotel De Jerbourg stands to the southwest of the application site.

The site is exceptional, elevated above the south coast path and St Martin's Point with panoramic views over the sea and Islands. The site is therefore prominent in views from the sea, from Jerbourg and along the coast.

Access is via Route De Jerbourg, which is narrow for sections of its length.

The applicant also owns land to the west of Route De Jerbourg and Hotel De Jerbourg. This does not form part of the application site and is classed as agricultural land.

Relevant History:

The application site:

OP/2012/2753	Demolish existing structure and erect new hotel and dwellinghouse. (44 bedrooms, indoor pool, spa and gym, lounges and restaurant)	Superseded by current application
FULL/2012/2118	Demolish remaining structure and erect heras fencing around site	Granted 06/09/2012
FULL/2012/1908	Demolition of three gables to existing structure.	Granted 26/06/2012
PREA/2012/1887	Demolish gables to make safe	Advice
PREA/2011/0687	Redevelopment of Idlerocks Hotel and demolition of existing buildings	Advice
PAPP/2002/5753	Erection of owner's/manager's dwelling house, creation of staff accommodation in hotel, alterations to form new access to hotel.	Refused 08/04/2003
PAPP/2002/2501	Demolish hotel premises and redevelop site to provide flats.	Refused 10/09/2002
PAPP/2002/2499	Change of use of premises to units of permanent residential	
J016230000-P250B	Extend staff quarters	PMT 26/03/1996
J016230000	1993-1996 various applications to extend staff quarters and restaurant/ bar	PIP/PMT granted
J016230000	Alterations and extension to form a flat. No conditions attached.	PMT granted 1981

Other relevant /referred to sites:

FULL/2014/0510 K003340000	Erect new dwelling. Les Mares , Candie Road, St Andrew (Residential use considered to have been abandoned, house fire, site overgrown until cleared in 2012)	Refused 14/03/2014 Appeal pending.
FULL/2012/2392 G00162A000.	Erect replacement dwelling. Les Buttes, Rue des Buttes, St Saviour. (Replacement of house destroyed by fire in 2012)	Granted 11/07/2012
PREA/2010/1881 J016280000	Planning advice on alteration / extension/ works within curtilage of La Bergerie.	Advice.
FULL/2009/3442 J01528B002	Erect an event marquee for the periods 29/05/2010 to 18/09/2010, 21/05/2011 to 17/09/2011 and 19/05/2012 until 15/09/2012 and use of field for associated parking.	Refused 04/11/2009 Appeal dismissed 25/06/2010
FULL/2009/1654 J01528B002	Erect an event marquee for the period 04/07/2009 until 19/09/2009 and use of field for associated parking.	Refused 13/10/2009
OP/2009/3417 J016260000	Demolish existing building and erect garage and stables Agricultural land , outside domestic curtilage of Dolphins, Jerbourg Road, St Martin	Refused 11/03/2010

J01582B000	Hotel Jerbourg, 1994- 2012 - Applications to alter/ extend Hotel. Phase 1 and Phase 2 extensions approved in 1997.	Approved 1997
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Existing Use(s):

Visitor Economy Use Class 11
Residential Use Class 1

The Cadastre records the change of ownership of a fully licensed hotel on the site in 1947. The first fire, breaking out in the Hotel kitchen, occurred in September 2003, since when it has not operated as an Hotel. The property was reassessed in 2005. In 2006 Ramle Rocks Limited purchased 'A hotel known as "Idle Rocks Hotel", dwelling, outbuildings, swimming pool, gardens and land'. The second fire, in June 2012, destroyed most of the building, rendering it unoccupiable.

The Hotel had 28 rooms, accommodating a maximum of 55 persons, and attracted a substantial local catering trade. An outdoor pool remains to the west of the hotel.

Brief Description of Development:

The applicant proposes the development of a 5-Star hotel with an independent dwelling.

35 bedroom hotel with restaurant and spa.
3 bedroom dwelling.
Car parking for 73 vehicles.

The application is supported by a planning and design statement which explains the evolution of the siting and design of the development.

A single building is proposed in a convex form. The hotel building is sited to the west of the existing structure. To the east, the seaward elevation, three of four levels are stepped back from that below. The residential unit is lowest, and its southernmost point would be 8m east, and 8m lower than that point of the hotel building. To the west, the building would present a 2 storey form. The maximum height of the building would not exceed that of the former hotel.

The existing access along the northern boundary would be retained and extended to serve the residential unit. The former staff accommodation, adjacent to the Jerbourg car park, would be demolished and a new access formed to serve the hotel and its car park. Parking is provided over two levels along the northern boundary, the upper deck to be slightly below the level of the existing access.

The public areas are on the entrance level of the Hotel, its bedrooms being on the two floors above and below that level, each room having terraces or balconies. The kitchen is at the south of the proposed building, the service yard covered by a landscaped mound.

The convex form is articulated by a palette of natural materials and use of living (planted) walls. The roof would be finished with extensive planting.

There are existing pine trees on the boundary to the Jerbourg Kiosk and car park. Two are shown to be removed.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

RGEN2 – Comprehensive Development

RGEN5- Landscape, ecology and wildlife
RGEN4 – Built Heritage
RGEN5 – Character and Amenity
RGEN6 – Design
RGEN7 – Safe and Convenient Access
RGEN8 – Parking and Open Space
RGEN10 – Public Enjoyment
RGEN11 – Effect on Adjoining Properties

RCE2 – Landscape Character
RCE3 – Areas of High Landscape Quality
RCE4 – Sites of Nature Conservation Importance
RCE7- Public Views
RCE8- Landscape Design
RCE9 - Protection/Recording Archaeological Remains
RCE12 – Design and Local Distinctiveness
RCE13- Demolition of Buildings and Features

RH1- New Housing
RH4 – Protection of Housing Stock

RE11- Visitor Accommodation Development

Annex 4 - Rural Planning and Design Statement

Representations:

In total, in relation to both the original application for outline planning permission and the revised application for planning permission presently for determination, 17 letters of representation have been received. Nine are from, or on behalf of, the neighbouring householders at La Bergerie. Two are from elected Deputies. One is written by the National Trust of Guernsey. Five are from four other parties. A schedule of representations is appended.

In summary, the majority of representations support the principle of redeveloping the site but raise questions on the policy basis for any permission and the viability of the proposed development. The inclusion of a private dwelling, independent of the operation of the hotel, and the absence of managers' and /or staff accommodation are also questioned. More challenge the external appearance, particularly the seaward elevation and the incorporation of roof and vertical planting in terms of practicality, maintenance and longevity.

In addition, those from and on behalf of the residential neighbour raise detailed objections to the siting, impact on amenity, noise and disturbance, privacy and daylight/ overshadowing.

Consultations:

Traffic Services Unit advises:

An access should:

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;

- c) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- d) Be square to the carriageway;
- e) Be sited at a distance not less than 20m from a junction.

A site visit has been undertaken by a Traffic Services Officer and the following observations have been made as a result.

I refer to our previous comments of October 2012. A summary of our comments made at that time are as follows:-

- 1) The existing access has a significantly sub standard sightline in the direction of oncoming traffic and as a result serious road safety concerns exist in that regard.
- 2) The proposed access offers benefits in terms of sightlines that could meet the recommended design criteria if the observations relating to the adjacent planting and roadside wall heights are taken into consideration
- 3) The design of the ground level parking area requires reconsideration in regard to the relocation of the entry/exit point further away from the main access
- 4) The design of the ground level parking area requires reconsideration in regard to access for the southernmost parking spaces
- 5) Disabled parking should be designed into the area adjacent to the hotel and restaurant access
- 6) A designated pedestrian route from the hotel & restaurant to the car parking areas needs to be incorporated into the overall site design
- 7) Serious consideration should be given to incorporating the residential access within the hotel/restaurant main access so as to satisfactorily address serious road safety concerns relating to the significantly sub standard sightline associated with the current access, and the traffic management concerns regarding the single file width of the access relating to the dwelling.

Proposed access relating to Private dwelling

The Traffic Services unit is disappointed to note that the supplied plans indicate the intention to maintain access to the private dwelling via the existing roadway to the North of the proposed Hotel/Restaurant access. Our previous observations and comments highlighted the fact that the sightline of oncoming traffic that would be observed from the proposed access would be approximately 8 metres and as a consequence, serious Road Safety concerns would remain in regard to the latest proposal. In addition, the Traffic Management concerns previously raised in regard to the single file width of the roadway would remain. The TSU does however recognise the historical nature relating to the usage of this access point.

The TSU remains of the opinion that there is ample scope for the access relating to the proposed private dwelling, to be served from the main access and internal roadway serving the Hotel & Restaurant, specifically at the point where the proposed 'roundabout' lies adjacent to the private dwelling's access roadway.

Accordingly, the TSU strongly recommends that serious consideration be given to using the proposed internal roadway serving the main development, to also serve the proposed private dwelling.

Proposed access serving the Hotel & Restaurant

Calculating the sightlines from supplied Drawing B87-9012-S1-209, the sightline of oncoming traffic would be approximately 18 metres, with visibility being potentially obscured by the roadside wall shown. No height has been indicated for this structure therefore it has been assumed as being in excess of 900mm.

If the roadside wall shown on this drawing was to be of a maximum height of 900mm, there would appear to be scope to achieve the 33 metre standard, however this would be reliant on there being no planting over 900mm in height within the visibility splay of a driver 2.4 metres back from the carriageway edge, at a central point in the access.

In the direction of traffic approaching from the south, the sightline would be approximately 10.5 metres, with visibility again being potentially obscured by the roadside wall to the south of the access. No height is indicated for this structure on the supplied plans, so it has been assumed that it exceeds 900mm.

It would appear possible however to achieve the 33 metre minimum recommended distance in this direction if the roadside wall and any planting within the visibility splay were not to exceed the 900mm maximum recommended height, or were relocated so as to fall outside the visibility splay.

The Traffic Services Unit strongly recommends that any future plans take these comments into consideration so as to provide un-obscured visibility in both directions that meets with the recommended design criteria as outlined above.

The access design shown does not appear to incorporate a radius on the southern side, therefore vehicles exiting intending to turn left, would be required to cross to the other side of the road in order to complete their manoeuvre. In view of the minimal width of the public highway at this point and the proximity of the access to the nearby public car park, such a manoeuvre would raise some Road Safety and Traffic Management concerns. Accordingly, the TSU strongly recommends that the proposed access be remodelled so as to provide good access/egress in both directions.

Proposed parking and internal roadway design – Hotel & Restaurant

The number of parking spaces indicated on the application is 73, however it has only been possible to identify 71 spaces (car parks & private dwelling provision), notwithstanding this possible shortfall, it would appear that the parking provision overall is commensurate with a development of this nature and scale.

The design of the upper car parking area has taken into account previous comments relating to the proximity of the car park access to the main site access, and its subsequent relocation eastwards is welcomed by the TSU. The layout of the vehicle parking and the dimensions of parking bays would result in adequate manoeuvring and parking provision.

The access to the lower vehicle parking area is located at an appropriate point on the access roadway and the parking layout and dimensions of the vehicle parking bays would also result in adequate manoeuvring provision. The supplied plans indicate planting to the south of the access and the TSU would strongly recommend that this planting is designed so as not to exceed 900mm above roadway level, thus not obstructing visibility of oncoming traffic for a vehicle exiting the car parking area.

The access design and 'roundabout' design and dimensions appear to meet engineering guidelines, and the inclusion of a designated 'Service Yard' access point and roadway, complete with a turning point, is welcomed by the TSU. The proposed width of the internal roadway is shown as being 5.75metres which exceeds the Engineering Guidelines and would support two way access including larger vehicle types.

The provision of a designated pedestrian route from the public highway, via the two car parking areas and onwards to the Hotel/Restaurant, is welcomed by the TSU. The proposed crossing point from the car parks to the footway leading to the Hotel Entrance, would provide adequate visibility for pedestrians to observe oncoming traffic movements.

It was raised in the previous comments in October 2012 that there was no provision for designated Disabled Persons parking adjacent to the Hotel Entrance; the latest supplied plans do not appear to have addressed this point. Whilst there is a lay-by shown to the front of the Hotel entrance, it is not clear if this is intended to also act as a Disabled Persons parking facility. The view of the TSU remains that such a facility should be clearly identified and located as close as is feasible to the Hotel entrance.

Summary

- 1) The proposed revised access offers benefits in terms of sightlines that could meet the recommended design criteria if the observations relating to the adjacent planting and roadside wall heights are taken into consideration
- 2) The proposed access design does not offer satisfactory egress to the south due to the lack of a radius
- 3) Disabled parking should be designed into the area adjacent to the hotel and restaurant access
- 4) Serious consideration should be given to incorporating the residential access within the hotel/restaurant main access so as to satisfactorily address serious road safety concerns relating to the significantly sub standard sightline associated with the current access, and the traffic management concerns regarding the single file width of the access relating to the dwelling.

Given the above observations, the Traffic Services Unit considers that good Road Safety and some Traffic Management grounds on which to oppose the application in its current form, remain; specifically with regard to the access serving the private dwelling.

The TSU would strongly recommend that the issues raised above are given serious consideration and are satisfactorily addressed in any future application.

Commerce and Employment Department, comments as follows:

- The current proposal is to develop a hotel that would accommodate a maximum of 70 persons in 35 rooms, together with good quality visitor facilities, including an indoor swimming pool and spa, gym, beauty parlour and a restaurant also catering for fine dining.
- Detailed comment on the virtues of this site as a location for visitor accommodation was submitted by C&E in response to a consultation request in October 2012. Other than in regard to the proposed scale of the accommodation these remain valid and are attached for your information.
- In addition, the Department is of the view that long awaited redevelopment of this iconic site into high quality visitor accommodation may provide a relatively small addition to the available bed stock in percentage terms, but is anticipated to make a disproportionately important contribution to the visitor economy by attracting a high net worth clientele with significant disposable income.
- The neighbouring cliff walks and local environment will be hugely enhanced by the removal of a long standing and prominent eyesore from an area of high landscape quality.
- The proposed development, if approved, will add an aspirational, even inspirational, destination site to the overall visitor accommodation resource, purpose built to meet current

and future visitor expectations, and providing a significant statement of confidence in the future of Guernsey's visitor economy. A destination site is considered to be one that is capable of attracting visitors to the island as the sole reason for the visit.

- The scaling back of the current proposals is a little disappointing in terms of reduced bed stock, but the planning and site impact considerations underlying this are understood and accepted by the Department.
- Despite this, the overall provision of accommodation on site will have increased from what was previously available. It is believed that the hotel will fit well into the upper end of the medium size range of hotel provision on island, and it is noted that operator appears comfortable with the potential viability of the project at this scale.
- It is understood that developer is aspiring to achieve the highest quality standards (implying that a 5 star rating is the aim). The following **requirements**, taken from the current common Quality Standard for Hotels (as applied throughout the UK, The Isle of Man, and the Channel Islands), indicate the greater expectations of a five star premises as distinct to the lower ratings. Many of the features incorporated in the design brief would appear to support the potential for the highest rating in terms of expected levels of finish, furnishing and facilities.
- At this level any hotel would be expected to be operational all year round, and would therefore contribute in a valuable way to an extension of the overall visitor season.

FIVE STAR – KEY REQUIREMENTS (In addition to the requirements for Four Star)

- *Excellent staffing levels with well-structured and dedicated teams with depth in management levels.*
- *Exceptional levels of proactive service and customer care.*
- *All areas of operation should meet the Five Star level of quality for cleanliness, maintenance, hospitality, and for the quality of physical facilities and delivery of services.*
- *Hotel must be open seven days a week all year.*
- *Enhanced services to be offered e.g. valet parking, escort to bedrooms, proactive table service in bars and lounges and at breakfast, 'concierge' service, 24-hour reception, 24-hour room service, full afternoon tea.*
- *At least one restaurant, open to residents and non-residents for all meals seven days a week.*
- *Minimum 80% bedrooms with en suite bathroom with WC, bath and thermostatically controlled shower. 20% may be shower only.*
- *A choice of environments in public areas of sufficient relevant size to provide generous personal space.*
- *Additional facilities e.g. secondary dining, leisure, business centre, spa, etc.*
- *At least one permanent luxury suite available (comprising three separate rooms – bedroom, lounge and bathroom).*

Further minimum requirements apply across all areas of the standard at Five Star, including for example; Guest Lifts, and separate service lifts, to all levels, Grounds and Gardens expected to provide a feature in their own right; An expectation that Five Star premises should be setting the highest international standards.

The Department considers this to be a unique opportunity for Guernsey to create a signature hotel of outstanding quality in an unrivalled geographic location benefitting from world class views, and with international client appeal.

The Department considers that the development can substantially enhance Guernsey's presence in the national and international tourism market place over time, providing additional opportunities for:

- Enhanced indirect spend across the wider island economy
- Additional skilled and ancillary employment opportunities
- A boost in confidence for industry and partners in the future of the visitor economy
- Enhanced "presence" and "kerb appeal" for the island, especially amongst high net worth individuals, globally.

The Department notes that the external design features have been focussed strongly on the need to blend the high quality structure into the surrounding landscape, in order to reduce the visual impact as far as possible, yet without impacting unreasonably on the practical and economic delivery of the internal forms, functions and facilities required by the business aspirations for the site. The Department acknowledges that such design matters are ultimately for resolution between the planners and the applicant and the Department can see no reason within its remit to object or to endorse this aspect of the proposals in their current form.

Based on the detail available to date the Department is fully supportive of the proposals for the hotel development.

The Department is aware that the development includes an associated dwelling which forms a key part of the proposals, not least by way of providing an economic enabler essential to the viability of the entire scheme.

In this regard the Department believes it would be entirely reasonable to seek some assurance towards seeing the completion of the scheme in its entirety, and therefore asks for a condition to be attached on any planning approval issued. Such a condition would require that the hotel be completed, and a permit granted to the operator in accordance with the provisions of the Tourist (Guernsey) Laws 1948-1998, prior to the dwelling being completed to a habitable condition.

The Constables of St Martin

'...after consultation with the Douzaine, we are happy for this development to proceed. We can always criticise different aspects of the application but generally we consider the plans as produced to make the best use of the site.'

Architects' Panel, Guernsey Society of Architects

The Outline Planning Application was presented to the Panel in May 2013. The amended proposal was presented in January 2014, before the revised plans were finalised and submitted as a formal application.

'The proposal has been amended, taking on board comments from the Architects' Panel and through dialogue with the Planning Department, with a view to making a formal Planning Application.

The Panel noted the scheme has progressed positively and the approach to the Building above the plinth is largely successful.

There was some concern over the plinth itself, which is very homogenous and presents a strong horizontal line. The regularity of the openings within it also contributes to this, is there therefore any way of visually articulating it? There was a suggestion of exploring alternative stone types rather than the Guernsey blue (Portuguese Schist for example) which may help with articulation and integration into the hillside.

The "stop ends" of the building appeared unresolved, was there a way to articulate these further to reduce the rather 'bluff' sides, and/or possibly open them out more to the views?

The previous panel meeting had noted concerns about the fully glazed facade to the dwelling, this hadn't been addressed and there were still concerns over this, especially as it also contributed to the homogeneity present in the plinth above. It was suggested that this could also be articulated in some way.

The conclusion was that the scheme should be supported and the Panel felt that the items listed above could be dealt with during the development of the scheme as it progressed into a formal application.

There was open discussion at the end of the meeting about the importance of the landscaping design and how this would be an essential part of allowing the building to integrate, and that it needed to be robust enough to be good a long-term solution (the green walls being of particular note).

It was discussed and confirmed that the pine trees presented in the photomontages were existing on the site. This might not therefore present the as-built reality, despite reassurances that there would be a comprehensive landscaping scheme.'

Summary of Issues:

- Principle of development (Policies RCE3, RCE4, RH1, RE11), including residential unit (RH1, RH4)
- Siting, design and materials (RGEN2, RGEN5, RGEN6, RGEN7, RCE2, RCE3, RCE8, RCE12, Annex 4)
- Effect on neighbouring properties (RGEN11)
- Effect on public views (RCE7)
- Built heritage (RGEN4, RCE9, RCE13)
- Natural environment (RCE4)
- Traffic and access (RGEN7, RGEN8)
- Other material planning considerations.

Assessment:

Principle of Development

At present, the burnt out shell of the former hotel and residential unit, and the ancillary staff accommodation, stand on the site. In 2012 the Department cautioned the owners that the existing authorised use of the site would be extinguished if the buildings were cleared. A number of representations question the basis on which redevelopment or rebuilding can be considered since Policy RCE3 concludes that permission will not be granted for the replacement of buildings or other structures that are derelict or structurally unsound and, in cases involving Dwellings, not currently habitable.

In full, Policy RCE3 states that:

'In Areas of High Landscape Quality, development will only be permitted where:

- a) the development would not have a significant adverse effect on the visual quality or landscape character of the area; and,*
- b) in the case of proposals to rebuild, extend or alter existing structures the development would respect the size, form, bulk and siting of the original structure.*

Permission will not be granted for the replacement of buildings or other structures that are derelict or structurally unsound and, in cases involving dwellings, currently not habitable.'

The pre-amble to Policy RCE3 states that:

'The most valuable landscapes in the rural area are designated as Areas of High Landscape Quality. These are considered to be the most environmentally important areas of countryside and coastline within the rural area. Their special qualities could easily be destroyed or damaged by new development, by the removal of distinctive features or by the extension of domestic gardens into neighbouring fields and open land. In addition to meeting the requirements of Policy RCE1, in order to preserve their special qualities, there will be a presumption against allowing new development within Areas of High Landscape Quality other than in exceptional circumstances or where the resultant development does not have any significant adverse impact on the visual quality or landscape character of the area. The Department is keen to ensure that householders are allowed flexibility in planning for extensions and other forms of domestic development within residential curtilages provided that the requirements of the policy are met.'

In order to preserve the visual quality and landscape character of these areas, the following developments will be precluded within Areas of High Landscape Quality: the erection of social housing under Policy RH2, retail developments within Rural Centres under Policy RE4, garden centres under Policy RE5, airport related development under Policy RE14, creation of new community facilities other than by conversion under Policy RS1 and, creation of new indoor recreation facilities other than by conversion under Policy RS3. In addition, buildings to be considered for conversion to new uses under Policy RCE14 will be required to meet a more stringent test than those within non-designated areas.'

The agent for the application has requested consideration of the proposal as a minor departure from the Rural Area Plan, under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007, should that be necessary.

The authorised use of the site is as an hotel, this use predating the Island Development (Guernsey) Laws, 1966-1990 and a residential unit, as granted planning permission in 1981.

It is considered when reading the Rural Area Plan as a whole (including the policies relating to Visitor Accommodation) and construing policy RCE3 on a commonsense basis, having regard to context and underlying purpose, that it is intended to preclude the replacement of buildings which are clearly derelict in the sense of the buildings being clearly abandoned and neglected rather than precluding the rebuilding of replacement buildings of a similar size for an authorised, longstanding use which have been significantly damaged or destroyed by fire. Such a reading would also seem to be consistent with the policies in the plan relating to retention of premises for visitor accommodation in particular those important, long standing sites such as that of the Idlerocks hotel. Therefore, the Department has considered arguments as to whether the use of the site in this case has been abandoned since the fire in 2003.

In the UK there are four established tests (Court of Appeal Hughes v SSETR & Another, 2000) for 'abandonment' and these have been looked at as a guide as to whether the buildings are derelict in the sense of their use being abandoned and the buildings deliberately neglected. The Land Planning and Development (Guernsey) Law, 2005 refers to the concept of "abandonment" stating that "the resumption on any land of a use which has been abandoned" is a change of use requiring planning permission. Therefore, it is considered that the Guernsey courts may find the English concepts persuasive: -

- 1) The physical condition of the building
- 2) The length of time the building has not been used
- 3) Whether the building has been used for any other purpose and
- 4) The owners' intentions

In this case:-

- 1) The physical condition of the building is self evident and it is unusable for its authorised uses. Until 2012, however, the building could have been repaired and brought back into use.
- 2) The building has not operated as an hotel since 2003. The residential unit was occupied until 2007. The previous owners had placed the property for sale. The fact that the hotel was not operating does not by itself mean that the authorised use was abandoned nor that change of use / planning permission would have been required to resume that use.
- 3) There had been no other use of the property to suggest the authorised uses were being abandoned.
- 4) There had been applications for alternative, residential development on the site. All were refused in accordance with the policies of the then current Rural Area Plan, including the importance of the premises and site to the Island's visitor economy. The Department treats pre-application enquiries as confidential but it is confirmed that the agent for the current owners has presented a series of proposals since they purchased the site. The permission granted to demolish the remaining structure (September 2012) has not been implemented and the application for Outline Permission was submitted in the same month, 3 months after the second fire. The intention that the commercial and residential use of the site should continue is demonstrated through the series of pre-application submissions, thus supporting an argument that the authorised uses have not been abandoned.

There are precedents in Guernsey of where a dwellinghouse has been lost through catastrophic fire and permission has been subsequently granted for a new (or rather replacement) dwelling to be erected. There is a current appeal against the refusal of planning permission to erect a new dwelling on a site where the original house was destroyed although the condition of the structure, its site and period of non occupation span decades rather than months thus weighing in that case more in favour of the residential use potentially being abandoned as this is one factor to be considered. The fires at Idlerocks were both investigated by the relevant authorities and there were arrests following the second event. The premises were brought to their current state by arson.

Looking at the above factors as a whole it is considered that the authorised uses of the site have not been abandoned.

In the circumstances of this case, taking the Rural Area Plan, its policies and intentions as a whole, and having regard to the particular and exceptional circumstances by which the building has been brought to its current state and that its existing authorised uses are not abandoned, it is considered that the replacement of this hotel and residential unit in principle is not inconsistent with the intentions of Policy RCE3, is consistent with previous planning decisions, and can be treated as a minor departure from the Rural Area Plan under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

Policy RE11 states that: *'Proposals for extensions, alterations, rebuilding or other works to an existing visitor accommodation establishment will generally be permitted where:*

- a) They are ancillary to its operation; and*
- b) They, and any associated developments such as car parking and other works do not conflict with the objectives of conserving and enhancing the character and openness of the rural area.'*

Policy RE11 addresses visitor accommodation development; in it the States recognises the importance of the visitor economy to the Island and the circumstances where establishments be wholly redeveloped to attain the level of service and quality reasonably expected by visitors to

Guernsey, or to target a different segment of the market. The reference to "wholly redevelop" and to "wholly new establishments" demonstrates that the policy is intended to enable significant development providing it is not for wholly new establishments. In this case the proposals would be for re-building of a long standing hotel and dwelling.

The Plan states there is a need to encourage investments in those establishments and on those sites that have the appropriate potential and states that the Environment Department will generally support such proposals having regard to the primary objective of the Rural Area Plan. The Idlerocks site is recognised as having significant potential.

The Plan aims to support existing establishments that wish to upgrade, where this would be undertaken sensitively and be compatible with the primary objectives of the Plan. The siting, design, scale and massing of such development, especially within an Area of High Landscape Quality is given very careful consideration.

The current proposals are considered to accord with Policy RE11 which provides a 'Policy Gateway' to enable the current application to be supported. The proposals for the hotel relate to the replacement of the existing hotel with a new hotel so there is no change to the principal operation under criterion a). With regard to criterion b), the impact of the development on the character and openness of the rural area are assessed in more detail below.

Siting, design and materials

The Idlerocks Hotel was extended and altered incrementally over its 60 years' operation. It was a large, 47m long, 2 and 3 storey building with mansard roof. The roof level, and part of the first floor, was visible from the access, the remainder of the building was largely screened by hedges and planting which enclosed the swimming pool and car parking. The largest car park was on the north west of the site. The clifftop below the hotel and to the property boundary was terraced as ornamental gardens.

The building is/was prominent in views along the coast and from the Jerbourg car park and fairly detached from the cluster of development, the nearby houses, Jerbourg Kiosk and the Jerbourg Hotel. Although distinctive in its appearance, the building did not, and certainly does not, make a positive contribution to the locality.

In the planning and design statement (PDS) the opportunities and constraints of the site are addressed. The PDS was prepared in support of the outline application but the analysis remains valid.

It is considered that siting the building further to the west reduces the visible mass in views along the coast and from Jerbourg; it is better related to the cluster of development, which is predominantly residential but includes too a larger hotel building. The PDS supports the siting in terms of a more organic form within the landscape and contours of the site, reducing vehicle movements and hard surfacing within the site and providing the opportunity for natural landscaping to the east. The form also maximises outlooks to the north east and south.

In considering siting, design and materials the particularly relevant policies of the Rural Area Plan are RCE3, RCE12 and RCE7.

As noted above, Policy RCE3 states, inter alia, that:-

In Areas of High Landscape Quality, development will only be permitted where:

- a) The development would not have a significant adverse effect on the visual quality or landscape character of the area; and*

- b) In the case of proposals to rebuild, extend or alter existing buildings the development would respect the size, form, bulk and siting of the original structure.*

The site is previously developed land and the requirement to 'respect the size, form, bulk and siting of the original structure' does not require a replacement building to be on precisely the same footprint or be of the same size. The proposed development is an entirely new building and the rationale of its form, design and siting is adequately explained and justified in the PDS. In dimension south to north the length of the building is some 15m greater than the building which stood until 2012. Its roof height is not exceeded. The increase in mass is mitigated by the design and proposed materials.

The former building did not make a positive contribution to the visual quality or landscape character of the area. The proposed replacement building is of a high quality design. It would have a distinctive and significant impact on the site and the area, but is not considered to have an adverse effect on the visual quality or landscape character of the area.

Policy RCE12 states that:-

Proposals for new development will only be permitted where they:

- a) achieve a good standard of design;*
- b) respect the scale and mass of other buildings in the vicinity;*
- c) avoid the introduction of obtrusive or discordant elements; and*
- d) retain and respect features that contribute to local distinctiveness and the quality of the built heritage.*

In relation to these criteria:-

a) The PDS adequately explains and justifies the chosen design as the most appropriate for the site.

b) Pages 7 – 20 of the PDS provide an analysis of the character of the site and its context. It demonstrates the local area is predominantly residential, but does contain larger buildings including hotels. Given the existing use of the site and the scale/mass of the existing building, and the Jerbourg Hotel building nearby, the proposed building does respect the scale and mass of the other buildings in the vicinity.

c) Is a means to assess the detailed elements of the building rather than its scale/mass. Such elements can include the doors, windows, dormer windows, etc., together with their architectural composition to create a building that reinforces the local character and distinctiveness of the area. From reading the PDS it is clear that the form and appearance of the building has been designed to mitigate its impact on the AHLQ and public views. In some ways this might be regarded as a means to try and hide the building. However, the overall architectural concept and composition is successful and does result in a building that reinforces the local character and distinctiveness of the area and has architectural design quality.

d) Some of the existing trees along the south boundary are proposed to be removed. Furthermore the remaining two trees will stand alone in an exposed location and, despite root protection, will be vulnerable to being blown over in the short - medium term. The trees on the southern boundary are Monterey pines, their retention affords some screening of the building and the obvious benefit of retaining mature trees in an exposed location, however this species is not indigenous and the trees do not contribute to the underlying landscape character of the cliff top. Their potential loss would not be the loss of a feature which criterion d) seeks to retain and would be mitigated to some extent by the proposed landscape scheme. There may also be an opportunity to plant more appropriate species close to the southern boundary of the site.

Policy RCE7 presumes against development which would have a significant adverse effect on an important public view.

The site is visible from viewpoints in the Pine Woods, St Martin's Point and at close range from Jerbourg. The position of the building would maintain views to the north from the viewpoint, iconic views along the south coast and would have no greater impact on views than the previous building. Therefore, it is considered that the proposals would not have a significant, adverse effect on public views.

A varied and high quality palette of external materials is proposed. The curve and stepping of levels mean that there will be few flat facades.

- Level 00: The residential level will be predominantly glazed, the solid sections clad in patinated timber. Precise details of glazing, and the terrace balustrade will be required to ensure the reflection of light does not act as a beacon on the headland.
- Level 01: lower guest rooms, spa and guest lounge: Externally clad in natural granite, each of the nine guest rooms is fronted by a terrace, either open or glazed within the enclosing wall. This is the plinth referred to by the Architects' Panel and in the plans for consideration it is refined by greater articulation, breaking the formerly homogeneous, or monolithic, band of granite. As on the lower level, precise details of glazing will be important. The northern facade of the spa abuts the residential access and will be solid; the remainder of that part of the building is below ground level.
- Level 02: This contains the main public areas of the hotel, in addition to guest rooms. The glazed façade is behind a colonnade and terrace extending over Level 01. Two vertical green walls punctuate the elevation and extend to the roof level.

On the landward side of the building the entrance doorways are framed in stacked marble. The northern 'end stop' of the building is a living (green) wall and element of patinated timber, above the granite clad exterior of the stairwell; the southern 'end stop' is similarly finished with sections of mixed slate cladding. The National Trust of Guernsey comments on the round columns, suggesting square instead, and on the green walls because of concerns on longevity.

- Level 03: Comprises the majority of guest rooms. On the seaward side external terraces extend over the colonnade below. The robust framing which drew some criticism in earlier plans, including from the National Trust of Guernsey and individual representations, will be refined and lightened (as illustrated in the 'concept design elevation 1.0'), framed in mixed stacked slate, and the facade is clad in patinated timber.
- Level 04: A green roof is proposed. This was proposed by the developer at an early stage and encouraged by the Department, to aid integration of the development in the landscape and not least because the site is so visible to air traffic to and from Guernsey.

The PDS identifies the colours and tones in the surrounding landscape and the natural materials used in other buildings in the locality. The use of high quality natural materials is encouraged and the palette illustrated is considered satisfactory.

Unlike many other developments planting and landscaping is central to the concept of the design. The 'green walls' are not plant clad walls but 'living' planted walls forming integral elements of the structure itself.

Details of the walls are not yet prepared; the specialist designers would also maintain the planting. The selection of plant species will be informed by climate, exposure and bio-diversity. The caution in representations is acknowledged. The sophistication of green walls is improving with research and practice in sustainable development. In principle the technique is supported. That it is integral to the design, part of a commercial building which will require to be and remain attractive and of a scale which is effective lead to the advice that credibility ought to be given to the developers' commitment to design, irrigation and maintenance. Potentially, alternative details of the two greenwalls and the seaward side, and for the 'end stops' could be considered, although any change to the latter especially would need to ensure an appearance equally attractive in public views.

The PDS refers to a sedum roof, and there are examples in Guernsey where this has been unsuccessful as well as successful. The concept for this building has developed to be an extensively planted roof, incorporating native shrubs and grasses, indicated to be random single species groups of 3 -9 plants.

Effect on neighbouring properties

The position of the development upon the site, drawing the mass of the building back from the cliff edge is explained in the Planning and Design Statement. This would place the development closer to the existing cluster of buildings. The hotel would be 32m closer to La Bergerie, the closest dwellinghouse to the west. The single storey element closest to the boundary with La Bergerie is 6-8m from the boundary, the western stairwell 11m and the westernmost of the hotel rooms 16m. The proposed building would be 27m from the eastern elevation of the dwellinghouse and no higher than the mansard roof which previously stood on the site. This siting would represent a significant change to the current outlook, but there would be a good separation of buildings and the development so cannot reasonably be considered to be overbearing in relation to the neighbouring property. There are no windows on the western flank wall of the proposed building which would overlook the dwellinghouse.

The relative heights and levels of the buildings have been assessed (using the conventional Building Research Establishment Guidelines). There will be no material overshadowing or loss of daylight to La Bergerie.

Reference has been made in representations from the neighbour to verbal assurances on the degree by which a larger hotel might be allowed consistent with the plan policies. Since the third party had no owners' authority and there was at the time of enquiry (2010), no application there was no basis for formal or informal advice or discussion. The Rural Area Plan contains no policy which specifies the percentage by which a replacement building may be restricted; it is an impact based assessment.

A private view, i.e. the view from a private property, is not a listed material planning consideration (in Section 13 of the General Provisions Ordinance). Public views, which contribute to the amenity and general character of the rural area are afforded protection by policy RCE7, the explanatory text of which reiterates that planning policies cannot legally guarantee views from private properties. Planning Practice Note 8 is explicit in explaining the material planning considerations which must be taken into account and other matters which generally cannot be taken into consideration.

Built heritage

The site is within a site of archaeological interest, the Bronze Age rampart across Jerbourg Headland. The Culture and Leisure Department recommends that any permission be subject to facilitating an archaeological watching brief.

The former staff accommodation is in a single storey cottage fronting onto the Jerbourg Car Park. The building is modest, although altered and extended. The application proposes its demolition to create a new access to the hotel site. As part of the comprehensive development of the site, its loss is considered to be acceptable as the overall development will make a positive contribution to the appearance of the area.

The proposed development has no effect on any protected monuments or buildings.

Natural Environment

The land to the north of the application site is part of the Site of Nature Conservation Importance, Cliffs and Cliff Valleys, which extends along the east and south coasts. The areas to the north and east below the site are semi-natural broad leaved woodland; to the east and south are areas of dense scrub, and lower on the cliff continuous bracken.

Policy RCE4 states that development which would adversely affect a Site of Nature Conservation Importance will not be permitted unless

- a) the benefits to the community are clearly demonstrated to outweigh the nature conservation interest of the site; and
- b) adequate provision is made within the development for the protection and enhancement of existing features of nature conservation interest and/or for the establishment of new features of nature conservation interest.

The access to the dwelling and particularly the break out point touch the boundary of the SNCI, and there will be an embankment to their north. No other development or change is proposed in this area and it is not considered to adversely affect the SNCI. Furthermore, there is a clear intention to integrate the building into the landscape with native species and to enhance biodiversity and use of living walls.

The proposed development has no effect on any protected trees.

Traffic and access

The Traffic Services Unit was consulted on the previous outline application and the current application for planning permission. The current plan includes provisions previously recommended and the TSU response concludes:

- 1) The proposed revised access offers benefits in terms of sightlines that could meet the recommended design criteria if the observations relating to the adjacent planting and roadside wall heights are taken into consideration
- 2) The proposed access design does not offer satisfactory egress to the south due to the lack of a radius
- 3) Disabled parking should be designed into the area adjacent to the hotel and restaurant access
- 4) Serious consideration should be given to incorporating the residential access within the hotel/restaurant main access so as to satisfactorily address serious road safety concerns relating to the significantly sub standard sightline associated with the current access, and the traffic management concerns regarding the single file width of the access relating to the dwelling.

Given the above observations, the Traffic Services Unit considers that good Road Safety and some Traffic Management grounds on which to oppose the application in its current form, remain; specifically with regard to the access serving the private dwelling.

Points 1, 2 and 3 above can be addressed by planning conditions, and this is recommended.

The point of access is in the corner of the site and because of the geometry the southern side is an acute angle. There is a hedge, in decline, immediately adjacent, planted it seems to foil the view of the public toilets from the Jerbourg Hotel entrance. This is a pinch point on the roadway. It is possible that a junction improvement and replacement planting could be agreed.

The existing access to the north is outwith the application site and outwith the ownership of the applicants, but they do have a right of access across it to the boundary of the application site. It is the sole access to the site at present, used for all traffic to the hotel for the duration of its operation. TSU raise issues because of the limited visibility and suggest that the dwellinghouse be accessed from the new access to the hotel. It is however an existing access, its use as access to one dwellinghouse would be very significantly reduced and in this instance there is no reasonable justification to require its closure.

Other material planning considerations

The principal material planning considerations are addressed above. However the letters of representation received raise several other points.

In respect of excavation, noise and traffic in the course of construction, as is now the practice on particularly large and complex developments, a Construction and Environmental Management Plan (CEMP) will be required should the application be approved. The likely effects of the construction phase on roads, traffic, infrastructure and services are material planning considerations but capable of technical solutions and not fatal to the application. Details of sewage disposal are not required at this stage and would subsequently be considered in detail by Building Control.

In respect of the previous refusal of stables at The Dolphins (OP/2009/3417), the application was to erect a garage and stables on agricultural land and was refused as contrary to policies RE1, RCE3 and RS4.

It is not a requirement that hotels provide staff accommodation on site, although Policy RE11 makes provision for that. The existing staff accommodation is in a detached building which would be demolished to form the new access. The residential unit attached to the hotel was granted planning permission in 1981, without any ancillary occupation condition.

The viability of a development is largely a matter for the developer to assess unless otherwise required under planning policies. However the viability of this development has been explored, first to address this aspect of representations against the application, and secondly in view of the applications made by previous owners for the change of use to or development of the site for solely residential purposes. Thirdly, as the development of an hotel brings economic and social benefits to the Island, the development is in principle supported by the policies of the Rural Area Plan.

The business plan and strategy of the developer is rightly commercially confidential and does not form part of the application for planning permission. In confidence commercial information has been revealed to the Department, as have parts of the brief upon which the viability of the project has been calculated. While any projection of return on investment contains assumptions and risks, the report, we understand was prepared by an expert in this field and they have concluded that the development is viable. With the benefit of expertise within the States, it has been confirmed that the

methodology used is based on standard valuation techniques and the calculations applied appear to be consistent with comparable developments elsewhere.

The application before the Board is the redevelopment of the site as an hotel and dwelling. Any future application before or after completion would be considered against the policies of the development plan and other considerations under the Law at that time.

Conclusions

The authorised use of the site is as an hotel and dwelling. It is a specific but mixed use site and the same use is proposed in the application.

Consideration of the application, and assessment of its impact, is complicated by the fact that the previous structure is largely lost by arson. It is necessary however to consider it under Policy RCE3. The agent for the application has requested consideration of the proposal as a minor departure from the Rural Area Plan, under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007, should that be necessary. In the circumstances of this case, taking the Rural Area Plan, its policies and intentions as a whole, and having regard to the particular and exceptional circumstances by which the building has been brought to its current state and that its existing authorised uses are not abandoned, it is considered that the replacement of this hotel and residential unit in principle is not inconsistent with the intentions of Policy RCE3, is consistent with previous planning decisions, and can be treated as a minor departure from the Rural Area Plan under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

The proposed design is as unique as the site and draws on the natural landscape to shape its form and materials. There are objections to the design from some representors, but the rationale and justification of the site layout, the form and materials are explained and accepted as according with the relevant policies as set out above.

The development is fully supported by the Commerce and Employment Department, and with the exception of the closure of the existing access which is outside the applicants' ownership, the advice of the Traffic Services Unit can be addressed by recommended planning conditions.

Revitalising this site would be a major and significant asset to the visitor economy and would demonstrate a commitment to the uplift of the quality of accommodation and services which has already been demonstrated in a number of other establishments.

There is a request from and on behalf of the adjacent householder that the Board visits the site, including his property, before making its decision. The site poles erected in May 2014 remain in place and are particularly helpful in enabling the impact of the development, and the scale of the previous building, to be easily visualised on the site.

It is recommended that Planning permission be granted, subject to the attached recommended conditions, but that prior to reaching its decision and in view of the significance of this development, the Board visits the site to satisfy itself as to the acceptability of the proposed development.

Date: 9th September 2014